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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,241	10/12/2001	John Polk	06556.0003-04000	2371
22852	7590	11/03/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			WEISS, JOHN	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/975,241	POLK, JOHN <i>OF</i>	
	Examiner John G. Weiss	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 371-481 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 371-481 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

The Declaration filed on June 02, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Remington et al (6,070,150) reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Remington reference. While conception is the mental part of the inventive act, it must be capable of proof, **such as by demonstrative evidence or by a complete disclosure to another.** Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The exhibits filed failed to establish the conception of the **claimed** subject matter in the above application. Specifically, Exhibit 1 failed to teach the following items set forth in claims 145-252: It should be noted that both pieces of documentary evidence are listed as "Exhibit 1".

1. Payment information including a **debit** transaction.
2. Transmitting the payment information from the accumulator agency to a **bank**.
3. Transmitting the disbursement information from the accumulator agency to an intermediary. The information could have been sent directly from a payment agency (Bank) or from the employer.

Art Unit: 3627

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 371-481 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Remington et al (6,070,150) in view of Washington State Final Report.

Remington teaches a payment processing method and system in Figure 2 and c. 3 and 4, with an individual/biller (42) initiates a consumer (44) to forward disbursement information and payment information (step 2) to a bill paying agency (46). The bill paying agency would then through the payment information process as a debit transaction (c.3, lines 54-55) from the consumer bank (52) to the bill paying bank (48). The bill paying agency would also send the disbursement information (step 5, Opt D) to an intermediary agency (52) that would be responsible for the final disbursement of the payment.

It is noted that Remington failed to teach the use of this payment process specifically used for child support payments, however Washington State reference teaches that the use of Washington

Art Unit: 3629

State bill processing agency that disburses child support payments to other states/intermediary is old and well known.

Therefore, it would have been obvious to one of ordinary skill in the bill payment art to replace the following in Remington to operate the bill paying agency for child support payments:

1. Biller (42) with the state or paying employee
2. Consumer (44) with the employer
3. BPSP service unit (46) with accumulator agency
4. BPSP Bank (48) with accumulator agency bank
5. ACH is the same in both
6. Consumer bank (52) is the employers bank
7. CT (56) is intermediary states where the final payments to the custodial child is made.

Therefore, it would have been obvious to replace Washington States bill payment processing center (DSC) with the BPSP Service Unit (46) of Remington because it would allow a contacted agency that specializes in the collection and distribution of money to operate as its child support agency under federal law.

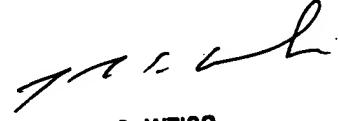
Furthermore the combination of Remington and Washington teach the use of FEDI, EFT, EDI in the distribution of information and payment to the proper parties.

Art Unit: 3761 3629

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to John G. Weiss at telephone number 308-2702.



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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